

Revenue Stamps \$ 99.00

DEED FOR HIGHWAY RIGHT OF WAY

THIS INSTRUMENT DRAWN BY K.M. Smith CHECKED BY Mark T. Smith

The hereinafter described property ☐ Does ☒ Does not include the primary residence of the Grantor

RETURN TO: Division R/W Agent, NCDOT
815 Stadium Drive 2nd Floor
Durham, NC 27704

NORTH CAROLINA	TIP/PARCEL NUMBER:	<u>I-5506 009</u>
COUNTY OF <u>Wake</u>	WBS ELEMENT:	<u>43608.2.2</u>
TAX PARCEL <u>0756800223</u>	ROUTE:	<u>I-40 AND SR-1002</u>

THIS FEE SIMPLE DEED, made and entered into this the _____ day of _____ 20 17
by and between Wake County, a body politic and corporate
PO Box 550
Raleigh, NC 27602

hereinafter referred to as GRANTORS, and the Department of Transportation, an agency of the State of North Carolina, 1546 Mail Service Center, Raleigh, NC 27611, hereinafter referred to as the Department;

WITNESSETH

That the GRANTORS, for themselves, their heirs, successors, and assigns, for and in consideration of the sum of \$ 49,025.00 agreed to be paid by the DEPARTMENT to the GRANTORS, do hereby give, grant and convey unto the DEPARTMENT, its successors and assigns, in FEE SIMPLE that certain property located in Cedar Fork Township, Wake County, North Carolina, which is particularly described as follows:

Point of beginning being N 79°16'34.5" W, 47.595 feet from -L- STA 30+00; thence to a point on a bearing of N 81°17'31.5" W, 3.897 feet; thence along a curve 12.124 feet and having a radius of 1570.000 feet. The chord of said curve being on a bearing of S 24°49'51.5" W, a distance of 12.124 feet; thence to a point on a bearing of N 64°56'52.1" W, 15.000 feet; thence to a point on a bearing of S 43°28'57.0" W, 74.783 feet; thence along a curve 222.380 feet and having a radius of 1533.000 feet. The chord of said curve being on a bearing of S 31°51'37.8" W, a distance of 222.185 feet; thence to a point on a bearing of S 53°59'1.7" E, 17.000 feet; thence along a curve 224.846 feet and having a radius of 1550.000 feet. The chord of said curve being on a bearing of S 40°10'18.9" W, a distance of 224.649 feet; thence to a point on a bearing of S 45°40'20.5" E, 20.356 feet; thence along a curve 538.128 feet and having a radius of 1587.017 feet. The chord of said curve being on a bearing of N 34°52'27.3" E, a distance of 535.554 feet; thence to a point on a bearing of N 25°09'37.0" E, 3.906 feet; returning to the point and place of beginning. (Having an area of approximately 15777.735 Square feet, being 0.362 acres)

IN ADDITION, and for the aforesated consideration, the GRANTORS further hereby convey to the DEPARTMENT, its successors and assigns the following described areas and interests:

Temporary Construction Easement described as follows:

Point of beginning being N 79°25'43.7" W, 51.490 feet from -L- STA 30+00; thence to a point on a bearing of N 81°17'31.5" W, 24.784 feet; thence to a point on a bearing of S 18°26'32.0" W, 23.637 feet; thence to a point on a bearing of N 43°28'57.0" E, 19.321 feet; thence to a point on a bearing of S 64°56'52.1" E, 15.000 feet; thence along a curve 12.124 feet and having a radius of 1570.000 feet. The chord of said curve being on a bearing of N 24°49'51.5" E, a distance of 12.124 feet; returning to the point and place of beginning. (Having an area of approximately 279.688 Square feet being 0.006 acres)

It is understood and agreed that the Department shall have the right to construct and maintain the cut and/or fill slopes in the above described temporary easement area(s) until such time that the property owners alter the adjacent lands in such a manner that the cut and/or fill slopes are no longer needed for the lateral support of the roadway. Any additional construction areas lying beyond the cut and/or fill slopes and extending beyond the right of way limits and beyond any permanent easement areas will terminate upon completion and acceptance of the project. The underlying fee owner shall have the right to continue to use the Temporary Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the Department, obstruct or materially impair the actual use of the easement area(s) by the Department of Transportation, its agents, assigns, and contractors.

SPECIAL PROVISIONS. This deed is subject to the following provisions only:

The undersigned property owners request that the Department enter upon our lands outside the right of way to the extent necessary for the reconnection of our driveway and we will have no further claim as a result of said reconnection.

The property hereinabove described was acquired by the GRANTORS by instrument(s) recorded in the Wake County Registry in Deed Book 3006 Page 246 .

The final right of way plans showing the above described right of way are to be certified and recorded in the Office of the Register of Deeds for said County pursuant to N.C.G.S. 136-19.4, reference to which plans is hereby made for purposes of further description and for greater certainty.

The Grantors acknowledge that the project plans for Project # 43608.2.2 have been made available to them. The Grantors further acknowledge that the consideration stated herein is full and just compensation pursuant to Article 9, Chapter 136 of the North Carolina General Statutes for the acquisition of the said interests and areas by the Department of Transportation and for any and all damages to the value of their remaining property; for any and all claims for interest and costs; for any and all damages caused by the acquisition for the construction of Department of Transportation Project # 43608.2.2 , Wake County, and for the past and future use of said areas by the Department of Transportation, its successors and assigns for all purposes for which the said Department is authorized by law to subject the same.

TO HAVE AND TO HOLD the aforesaid premises and all privileges and appurtenances thereunto belonging to the DEPARTMENT, its successors and assigns in FEE SIMPLE, or by easement as indicated, for the past, present and future use thereof and for all purposes which the said Department is authorized by law to subject the same.

And the GRANTORS covenant with the DEPARTMENT, that the GRANTORS are seized of the premises in fee simple, have the right to convey the same in fee simple, or by easement as indicated, that the title thereto is marketable and free and clear of all encumbrances, and that the GRANTORS will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is hereby conveyed subject to the following exceptions:
None.

COUNTY: Wake WBS ELEMENT: 43608.2.2 TIP/PARCEL NO.: I-5506 009

IN WITNESS WHEREOF, the GRANTORS, pursuant to a resolution dated has been caused this instrument to be signed in its corporate name by its Chairman of the Wake County Board of Commissioners, its corporate seal hereto affixed, and attested by its Clerk of the Wake County Board of Commissioners, by order of the Wake County Commissioners, this the day and year first above written.

This instrument does not transfer the herein described interests unless and until this document is accepted by an authorized agent of the Department of Transportation.

Wake County, a body politic and corporate

BY: Sig Hutchinson, Chairman of Wake County Board of Commissioners

ATTEST: Denise Hogan, Clerk of Wake County Board of Commissioners

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY:

(Official Seal)	North Carolina, County
	I, , a Notary Public for County, North Carolina, do hereby certify that
	Denise Hogan personally appeared before me this day and acknowledged that he/she is Clerk of The Wake County Board of Commissioners, and that by authority duly Given, the foregoing instrument was signed in its name by its Chairman of The Wake County Board of Commissioners, sealed with its corporate seal, and attested by Denise Hogan as its Clerk.
	Witness my hand and official seal this the day of , 20 .
	Notary Public
	My commission expires:

The foregoing Certificate(s) of is/are certified to be correct. This instrument and this certificate are duly registered on the day of , 20 in Book , Page at o'clock M. REGISTER OF DEEDS FOR COUNTY BY: Deputy/Assistant - Register of Deeds